

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RONALD A. KATZ TECHNOLOGY  
LICENSING, L.P.,

Plaintiff,

**v.**

AMERICAN INTERNATIONAL GROUP, INC.  
*et al.*,

**Defendants.**

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C.A. No. 06-547 (GMS)

**PLAINTIFF RONALD A. KATZ TECHNOLOGY LICENSING, L.P.'S  
REPLY TO DEFENDANT NATIONAL CITY BANK'S COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant Ronald A. Katz Technology Licensing, L.P. (“Katz Technology Licensing”) replies to the Counterclaims of Defendant and Counterclaim-Plaintiff National City Bank (“National City”) as follows:

## GENERAL ALLEGATIONS AND PARTIES

1. On information and belief, Katz Technology Licensing admits that National City Bank is a national bank having its principal place of business at 1900 East Ninth Street, Cleveland, Ohio 44114.

2. Katz Technology Licensing admits that it is a California limited partnership with its principal place of business at 9220 Sunset Boulevard, Suite 315, Los Angeles, California 90069, as alleged in Paragraph 132 of National City's Counterclaims.

3. Katz Technology Licensing: (a) admits that this Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a); (b) admits that National City purports to bring its counterclaims for a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, as alleged in Paragraph 132 of its Counterclaims; and (c) denies the viability of that request for a declaratory judgment. Katz Technology Licensing denies the remaining allegations set forth in Paragraph 132 of National City's Counterclaims.

4. Katz Technology Licensing admits that it is subject to personal jurisdiction in this judicial district as alleged in Paragraph 133 of National City's Counterclaims.

5. Katz Technology Licensing admits that venue is proper in this judicial district as alleged in Paragraph 134 of National City's Counterclaims.

6. Katz Technology Licensing admits that it is the sole holder of entire right, title, and interest in United States Patent Nos. 6,035,021 ("the '021 patent"); 6,148,065 ("the '065 patent"); 5,974,120 ("the '120 patent"); 6,349,134 ("the '134 patent"); 4,930,150 ("the '150 patent"); 6,434,223 ("the '223 patent"); 5,251,252 ("the '252 patent"); 5,351,285 ("the '285 patent"); 6,678,360 ("the '360 patent"); 5,815,551 ("the '551 patent"); 5,828,734 ("the '734 patent"); 5,898,762 ("the '762 patent"); 5,684,863 ("the '863 patent"); 5,917,893 ("the '893 patent"); 4,792,968 ("the '968 patent") and 5,128,984 ("the '984 patent"); as alleged in Paragraph 135 of National City's Counterclaims.

7. Katz Technology Licensing admits that in its Complaint, it asserts that National City has been and is now infringing, actively inducing the infringement of, or contributing to the infringement of one or more claims of each of the '021, '065, '120, '134, '150, '223, '252, '285, '360, '551, '734, '762, '863, '893, '968, and '984 patents, as alleged in Paragraph 136 of National City's Counterclaims.

## **COUNT I**

### **(Declaratory Judgment of Non-Infringement)**

8. In response to Paragraph 137 of National City's Counterclaims, Katz Technology Licensing realleges and incorporates by reference Paragraphs 1 through 7 of this Reply as if fully set forth herein.

9. Katz Technology Licensing denies the allegations set forth in Paragraph 138 of National City's Counterclaims.

10. Katz Technology Licensing denies the allegations set forth in Paragraph 139 of National City's Counterclaims.

**COUNT II**

**(Declaratory Judgment of Invalidity)**

11. In response to Paragraph 140 of National City's Counterclaims, Katz Technology Licensing realleges and incorporates by reference Paragraphs 1 through 10 of this Reply as if fully set forth herein.

12. Katz Technology Licensing denies the allegations set forth in Paragraph 141 of National City's Counterclaims.

13. Katz Technology Licensing denies the allegations set forth in Paragraph 142 of National City's Counterclaims.

**COUNT III**

**(Declaratory Judgment of Unenforceability)**

14. In response to Paragraph 143 of National City's Counterclaims, Katz Technology Licensing realleges and incorporates by reference Paragraphs 1 through 13 of this Reply as if fully set forth herein.

15. Katz Technology Licensing denies the allegations set forth in Paragraph 144 of National City's Counterclaims.

16. Katz Technology Licensing denies the allegations set forth in Paragraph 145 of National City's Counterclaims.

**COUNT IV**

**(Attorney Fees)**

17. In response to Paragraph 146 of National City's Counterclaims, Katz Technology Licensing realleges and incorporates by reference Paragraphs 1 through 16 of this Reply as if fully set forth herein.

18. Katz Technology Licensing denies the allegations set forth in Paragraph 147 of National City's Counterclaims.

19. Katz Technology Licensing denies the allegations set forth in Paragraph 148 of National City's Counterclaims.

**PRAYER FOR RELIEF ON NATIONAL CITY'S COUNTERCLAIMS**

Katz Technology Licensing respectfully requests that, in response to National City's Counterclaims, this Court:

1. Dismiss National City's Counterclaims with prejudice;
2. Adjudge that National City is not entitled to any relief, including any of the relief requested in National City's prayer for relief; and
3. Award to Katz Technology Licensing the relief requested in its Complaint and such other relief as the Court may deem appropriate and just under the circumstances.

BOUCHARD MARGULES & FRIEDLANDER, P.A.

By /s/ John M. Seaman

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DATED: November 15, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2006, I electronically filed the foregoing

**Reply of Ronald A. Katz Technology Licensing, L.P. to the National City**

**Defendants' Counterclaims** with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

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